**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.**

Writ Petition No. 719 (S/S) of 2005

Sanjeev Kumar Saxena,
Aged about 33 years,
son of late Sri Uma Shankar Saxena,
resident of Room No. T – 1 B,
18/6 Koti Colony, B.K. Puram,
Tehri Garhwal. …….Petitioner

**Versus**

1. State of Uttaranchal through Secretary, Irrigation Dehradun.
2. Chief Engineer (Head of Department) Irrigation Department, Yamuna Colony, Dehradun.
3. Chairman and Managing Director, THDC Bhagirathi Puram, New Tehri, Uttaranchal.

….Respondents.

**Hon'ble M.M. Ghildiyal, J**

Heard Sri D.S. Patni learned counsel for the petitioner, learned standing counsel, who has accepted notices on behalf of respondents no. 1 and 2 and Sri Shobhit Saharia, holding brief of Sri U.K. Uniyal, learned counsel for respondent no. 3.

Learned counsel for both the parties are agreed to decide the present writ petition at its admission state itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus commanding the respondents to give appointment to the petitioner as per his educational qualification under Dying in Harness Rules.

Learned counsel for the petitioner has submitted that his father was working with the Irrigation Department on the post of Fitter Chargeman. In the year 1984 employees of the

Irrigation Department, who were engaged in the Ram Ganga Project at Kalagarh, were directed to assume the charge at Tehri Dam Project. In the year 1989, Tehri Dam Project was transferred to Tehri Hydro Development Corporation (hereinafter referred to as "THDC") and petitioner's father was directed to join THDC vide order dated 05.11.1990. But before the petitioner's father could take charge, he died on 09.11.1990. Thereafter, petitioner has made several representations for his appointment under Dying in Harness Rules in the Irrigation Department but the respondents have paid no heed. Petitioner has submitted his last representation on 15.12.2004, which is still pending before respondent no. 2.

Learned counsel for petitioner, during the course of argument, has confined his prayer that respondent no. 2 be directed to decide the representation dated 15.12.2004 of the petitioner (Annexure No. 10 to the writ petition).

The prayer is innocuous. Respondent no. 2 is directed to decide the representation dated 15.12.2004 of the petitioner, which Annexure No. 10 to the writ petition, within a period of six weeks from the date of production of certified of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J)**

June 10, 2005

SKSharma